Although the campaign for this measure spent more than $10 million, they were unable to conceal that their funding came from out-of-State sources, led by multimillion-dollar contributions from Texas-based oil companies. This transparency allowed California voters to know the real source of advertisements during the campaign and make a more informed decision. That proposition failed, and, I believe it failed because voters knew who was paying for the ads.

Transparency works. It makes a difference. With public confidence in government at a record low, now is the time for more transparency, not less. We must restore confidence in our government. The Supreme Court made its decision in Citizens United, so there isn't much that Congress can do. But the DISCLOSE Act is an attempt to make clear the effects of Citizens United and ensure that our election process remains transparent.

The public deserves to know who is funding the super PACs and other groups that are airing political ads. When voters know who paid for an ad, they make more educated decisions. The DISCLOSE Act is a step toward making that reality.

Mr. INOUYE. Mr. President, I rise today to speak in support of S. 3369, the Democracy is Strengthened by Casting Light on Spending in Elections, or DISCLOSE, Act.

I joined Senator WHITEHOUSE and some 25 of my colleagues in cosponsoring this bill because it is the right thing to do. I do not believe, as some claim, that the DISCLOSE Act will chill or limit the right to free speech in something as fundamental as advocating for a candidate for elected office. The bill will simply require more openness by those advocating, an important point in our world of radio, television, and the internet. The DISCLOSE Act will help restore transparency and accountability to our electoral process by requiring outside groups to disclose who funds their political activities. It may be worth noting that the bill is not focusing on the average American contributing small amounts of money to her candidate, but rather on those groups who are making donations of at least $10,000. I do not think it is so onerous to ask those contributing such large sums to identify themselves.

But, I must be honest. I was disappointed to learn that the so-called ''stand by your ad'' provision was not included in S. 3369. This provision, which required that the biggest donors of a campaign, or sponsors of a radio or TV spot, be identified during the ad, was what initially caught my attention. In an age where communications are largely anonymous whether it is on Twitter, Facebook, or to a lesser extent, radio and even television, I believe it is only fair that Americans learn who is speaking to them as they are listening. We have moved past those times when a candidate or his supporters would use a soapbox to explain their positions to a crowd, and who is doing the talking is no longer clear.

However, I believe the overarching principle of the DISCLOSE Act sharing the identities of those advocating in an election campaign, whether it be for or against a candidate, or simply an opinion is a necessary part of democracy. I hope my colleagues will agree and vote to support passage of the DISCLOSE Act.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF KEVIN MCNULTY TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of Kevin McNulty, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. Under the previous order, there will be 30 minutes of debate equally divided in the usual form.

Mr. LEAHY. Mr. President, before I begin my remarks on the nomination, I wish to speak for a moment about the debate we are having on the DISCLOSE Act. We read the horror stories of secret money going into campaigns. If we can't restrict the amount of money, at least let's know where it comes from. It is bad enough the Supreme Court has said corporations are people, as though having elected General Eisenhower as President, we could now elect General Electric as President, or electing yahoos such as Millard Fillmore as Vice President means we could elect Yahoo as Vice President.

There should be only one secret in an election, and that should be a secret ballot. That should be knowing you are secretly voting for who you want to vote for, and it should be disclosed only if you want it disclosed. As far as paying the bills, the American people ought to know who is paying the bills, how much, and why. Otherwise, we do not have honest elections. It is as simple as that.

Mr. President, today we will vote on only one of the 18 judicial nominations voted on by the Judiciary Committee but that are being stalled for no good reason. I am sure the people of New Jersey and the New Jersey Senators appreciate Senate Republicans finally allowing a vote on this nomination even after 3 months of needless delay. I suspect they would be more appreciative if the minority were also allowing a vote on the nomination of Michael Shipp for another vacancy on the same Federal court in New Jersey and who was also voted out of the Judiciary Committee virtually unanimously 3 months ago. I am sure they would be even more appreciative than that if Senate Republicans would allow a vote on the nomination of Judge Patty Shwartz to fill the vacancy on the Third Circuit Court of Appeals who was voted out of the Judiciary Committee more than 4 months ago, and who has the support of New Jersey's Republican Governor, Chris Christie.

The minority's stalling votes on judicial nominees with significant bipartisan support is all to the detriment of the American people. This has been a tactic that they have employed for the last 3½ years, despite repeated appeals urging them to work with us to help solve the judicial vacancy crisis. We have seen everyone from Chief Justice John Roberts, himself appointed by a Republican president, to the nonpartisan American Bar Association urging the Senate to vote on qualified judicial nominees that are available to administer justice for the American public. Sadly, Republicans insist on being the party of ''no''.

What the American people and the overburdened Federal courts need are qualified judges to administer justice in our Federal courts, not the perpetuation of extended, numerous vacancies. Today vacancies on the Federal courts are more than 2½ times as many as they were on this date during the first term of President Bush. The Senate is more than 40 confirmations off the pace we set during President Bush's first term.

Because they cannot deny the strength of this comparison using apples to apples by comparing first terms Senate Republicans instead try to draw comfort by making comparisons to President Bush's second term after we had already worked hard to reduce vacancies by 75 percent and confirmed 205 circuit and district judges. Their effort is unconvincing and unavailing. In fact, during President Bush's second term, the number of vacancies never exceeded 60 and was reduced to 34 near the end of his presidency. In stark contrast, vacancies have long remained near or above 80, with little progress made in these last 3½ years. Today, there are still 78 vacancies. Their tactics have actually led to an increase in judicial vacancies during President Obama's first term a development that is a sad first.

But the real point is that their selective use of numbers is beside the point and does nothing to help the American people. We should be doing better. I

know that we can because we have done better. During President Bush's first term, notwithstanding the 9/11 attacks, the anthrax attack on the Senate, the ideologically-driven selections of judicial nominees by President Bush, and his lack of outreach to home State Senators, we reduced the number of judicial vacancies by almost 75 percent, down to 29 by this point during his first term and acted to confirm 205 circuit and district court nominees by the end of his first term.

Another excuse from the minority comes across more as partisan score settling than anything else. They claim that having confirmed two Supreme Court Justices, the Senate cannot be expected to reach the 205 number of confirmations in President Bush's first term.

The first and most important point is that those proceedings do not excuse the Senate from taking the actions it could now on the 18 judicial nominees voted out of the Judiciary Committee and ready for final Senate action. That second Supreme Court confirmation was in August 2010. That is almost 2 years ago and it was opposed by most Senate Republicans.

Senate Republicans held down circuit and district court confirmations in President Obama's first 2 years in office to historically low numbers 12 by the end of 2009 and another 48 in 2010 for a total of only 60. We did better last year when Senator GRASSLEY became the ranking member and were able to confirm 64 nominees. Had Republicans not stalled 19 nominations at the end of last year and dragged those confirmations out into May of this year, we, the American people, and the Federal courts would be much better off. As it is, however, the fact remains there are 18 qualified judicial nominations the Senate could be voting on without further delay.

They refuse to acknowledge that in addition to confirming two Supreme Court Justices in President Clinton's first term, the Senate was able to confirm 200 circuit and district court judges. And in 1992, at the end of President George H.W. Bush's term, the Senate with a Democratic majority was able to confirm 192 circuit and district court judges despite confirming two Supreme Court Justices. Republicans have kept the Senate well back from those numbers by only allowing the Senate to proceed to confirm 154 of President Obama's circuit and district court nominees. That is a far cry from what we have been able to achieve in addition to our consideration of Supreme Court nominations when the Senate was being allowed to function more fairly and to consider judicial nominees reported with bipartisan support.

Nor are the nominees about whom we are concerned recently nominated. These are not nominees dumped on the Senate in scores at the end of a presidential term. These are, instead, nominations that date back to October of last year. Most were nominated before March. In fact the circuit court nominees who Republicans are refusing to consider date back to October and November of last year and January of this year. William Kayatta was voted on by the Committee and placed before the Senate by mid April and could have been confirmed then. Richard Taranto and Judge Shwartz have been stalled before the Senate even longer, since March. As I explained in my last statement, Senate Republicans have shut down confirmations of circuit court judges not just in June or July but, in effect, for the entire year. The Senate has yet to vote on a single circuit court nominee nominated by President Obama this year. Since 1980, the only presidential election year in which there were no circuit nominees confirmed who were nominated that year was in 1996, when Senate Republicans shut down the process against President Clinton's circuit nominees. The fact that Republican stalling tactics have meant that circuit court nominees that should have been confirmed in the spring—such as Bill Kayatta, Richard Taranto and Patty Shwartz—are still awaiting a vote after July 4 is no excuse for not moving forward this month to confirm these circuit nominees. Both Mr. Kayatta and Mr. Taranto were voted out of the Judiciary Committee with significant bipartisan support, and Judge Shwartz, a Magistrate Judge and former Federal prosecutor, has the support of Republican Governor Chris Christie.

The American people who are waiting for justice do not care about these excuses. They do not care about some false sense of settling political scores. They want justice, just as they want action on measures the President has suggested to help the economy and create jobs rather than political calculations about what will help Republican candidates in the elections in November.

When Republican Senators try to take credit for the Senate having reached what they regard as their ''quota'' for confirmations this year, they should acknowledge their strenuous opposition to those confirmations for which they now take credit. As recently as 2008, Senate Republicans denied there was a Thurmond rule. They used to say that any judicial nominee reported to the Senate was entitled to a vote and that every judicial nominee was entitled to an up-or-down vote and that they would never filibuster judicial nominees. Well, the Majority Leader has had to file 28 cloture petitions to end their filibusters of judicial nominees. Now they are flip-flopping on their own call for up-or-down votes.

What they are doing now is a first. As I have noted, in the past five presidential election years, Senate Democrats have never denied an up-or-down vote to any circuit court nominee of a Republican President who received bipartisan support in the Judiciary Committee. They are denying votes to William Kayatta, a nominee from Maine supported by his home State Republican Senators, and Robert Bacharach, a nominee from Oklahoma supported by his home State Republican Senators, and Richard Taranto, whose nomination to the Federal Circuit received virtually unanimous support. Even Judge Patty Shwartz, whose nomination to the Third Circuit received a split rollcall vote, has the bipartisan support of New Jersey Governor Chris Christie.

As I have noted previously, in the past 5 presidential election years, a total of 13 circuit court nominees have been confirmed after May 31. It is notable that 12 of the 13 were nominees of Republican presidents.

Today, the Senate will vote on the nomination of Kevin McNulty to fill a judicial vacancy in the U.S. District Court for the District of New Jersey. Like all of the judicial nominees voted on by the Judiciary Committee, he has the support of his home State Senators. His nomination was reported with a nearly unanimous voice vote by the Judiciary Committee nearly 3 months ago, with the only objection coming from Senator LEE's customary protest vote. He was rated unanimously well qualified by the ABA Standing Committee on the Federal Judiciary, the highest possible rating.

Kevin McNulty currently serves as a director and head of the appellate practice group at Gibbons, P.C., a law firm in New Jersey. He served as a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey for more than 10 years, where he was chief of the Appeals Division for 3 of those years. After law school, he clerked for Judge Frederick B. Lacey of the U.S. District Court for the District of New Jersey. Over the course of his 29-year legal career, Kevin McNulty has tried 12 cases to verdict and has argued numerous cases before the Federal courts of appeal. In 2008, the New Jersey Law Journal named him ''Lawyer of the Year.'' I support this well-qualified nominee.

I, again, urge Senate Republicans to reconsider their ill-conceived partisan strategy and work with us to meet the needs of the American people. With more than 75 judicial vacancies still burdening the American people and our Federal courts, there is no justification for not proceeding to confirm the judicial nominees reported with bipartisan support by the Judiciary Committee this year. We can and we should be doing more to help the American people.

Anyway, I yield the floor, and I suggest the absence of a quorum, with the time equally divided.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. Will the Senator withhold his suggestion for a quorum?

Mr. LEAHY. Of course. I am sorry. I didn't see my friend from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I support the nomination of Kevin McNulty to be district judge in New Jersey. Although it is the practice and tradition of the Senate to not confirm circuit nominees in the closing months of Presidential election years, we continue to confirm consensus district judge nominees. Today's nominee is such a consensus nominee, and he will be the 153rd nominee of this President confirmed to the district and circuit courts.

I continue to hear some of my colleagues repeatedly ask the question: What is different about this President that he has to be treated differently than all of these other Presidents? That is a question we often hear.

I will not speculate as to any inference that might be intended by that question, but I can tell my colleagues this President is not being treated differently than previous Presidents. By any objective measure, this President has been treated fairly and consistently with past Senate practices.

For example, with regard to the number of confirmations, let me put that in perspective for my colleagues with an apples-to-apples comparison. As I mentioned, we have confirmed 152 district and circuit court nominees of this President. We have also confirmed two Supreme Court nominations during President Obama's first term. Everyone understands that Supreme Court nominations take a great deal of committee time. When the Supreme Court nominations are pending in the committee, all other nomination work is put on hold.

The last time the Senate confirmed two Supreme Court nominees was during President Bush's second term. During that term, the Senate confirmed a total of only 119 district and circuit court nominees. With Mr. McNulty's confirmation today, we will have confirmed 34 more district and circuit court nominees for President Obama than we did for President Bush in similar circumstances.

During the last Presidential election in 2008, the Senate confirmed a total of 28 judges—24 district and 4 circuit. Today we will exceed the number of district court judges confirmed. We have already confirmed circuit nominees, and this will be the 26th district judge confirmed this year. Those who say this President is being treated differently either fail to recognize history or want to ignore the facts.

Another statistic that is often misused to allege a campaign of Republican obstructionism is the number of days to confirmation. My colleagues on the other side want to focus on one particular phase of the confirmation process—the time from being reported out of committee to actual confirmation on the Senate floor. They ignore the timeline for the rest of that process.

The fact is for both Presidents the average time from nomination to confirmation is roughly equivalent: 211 days for President Bush's judicial nominees and 224 days for President Obama's judicial nominees.

There is another issue I wish to turn to that is repeatedly raised; that is, the vacancy rate—as if Republicans are to blame for that fact as well. Let me review the record and set the facts out for all to hear.

When President Obama took office there were 59 judicial vacancies. I note that at the beginning of 2008 there were 43 vacancies. So the practice for Democrats who controlled the Senate during that last year of President Bush's term was to allow vacancies to increase by more than 37 percent.

By mid-March 2009, when the first Obama judicial nomination was sent to the Senate, there were 70 judicial vacancies. Over the next 3 months, despite the rise in vacancies, only 5 more circuit nominations were sent to this body. By the end of June, when the Senate received its first district nomination, there were 80 vacancies. The failure or delay in submitting nominations for vacancies has been the practice of this administration. Yet somehow people want to blame the Senate, and particularly Republicans in the Senate, for not moving swiftly enough.

By the end of 2009 there were 100 vacancies, with only 20 nominees. In December 2010, more than half of the 108 vacancies had no nomination. At the beginning of this year, only 36 nominees were pending for the 82 vacancies. At present, still more than half of the 78 vacancies have no nominee.

I remind my colleagues once again that all of this process starts not here in the U.S. Senate but in the White House, at the other end of Pennsylvania Avenue. So when one wants to complain about judicial vacancies, start first by looking there, and then to the Democrats who have controlled the Senate during this period.

Because of those delays in nominations and decisions made by the Senate Democratic leadership, only 13 judges were confirmed during President Obama's first year. That was the choice of Democrats, who controlled the White House and the Senate, not because of anything the Republican minority could do. Yet Democrats now argue that President Obama is somehow behind in confirmations, and based upon that flawed logic there is some perceived notion that he is entitled to ''catch up'' on nominations.

The fact is we have confirmed over 78 percent of President Obama's district nominees. At this point in his Presidency 75 percent of President Bush's nominees had been confirmed. President Obama is running ahead of President Bush on district confirmations as a percentage. It is not the fault of the Republicans that this President has fewer nominations. How many times do I have to say it? The Senate can only act on what comes up here from the White House.

Finally, let me respond to some criticisms I have heard or read lately about the Thurmond rule. Last week, in the Los Angeles Times, for example, an editorial with the headline ''Reject the 'Thurmond Rule' '' was based on factual errors and omissions, so I want to correct that. This editorial echoed many of the Democratic talking points that we hear here on the floor.

The suggestion that we are operating any differently than Democrats did in 2004 and 2008 is simply without merit. Democrats stalled and blocked numerous highly qualified circuit nominees during those Presidential election years, including even nominations that had bipartisan support.

For instance, the fourth circuit provides a prime example of the tactics employed by the majority party. Democrats refused to process Judge Robert Conrad, even though he had already been confirmed unanimously as a U.S. attorney and district court judge. Democrats refused to process Judge Glen Conrad even though he had strong bipartisan home-State support. Steve Matthews also had strong home-State support. Yet the Democrats in committee refused to even give him a vote. The Democrats even tried to justify blocking the nomination of U.S. attorney Rod Rosenstein to the fourth circuit by claiming he was doing ''too good of a job''—that is their words—as U.S. attorney to be promoted.

By refusing to give these nominees a vote in committee, the Democrats engaged in what we would refer to as a ''pocket filibuster'' of all four of these candidates to the fourth circuit. This was at a time when the fourth circuit's vacancy rate was over 25 percent.

The bottom line is that the Democratic leadership has invoked the Thurmond rule repeatedly to justify stalling nominees—even those with bipartisan support. And now they do not want us to enforce the rule they helped establish.

But as I have pointed out, this President is not being treated differently. In many respects, he is being treated better. We have even been more fair. And we cannot have two different sets of rules around here. I suppose we could have, but we should not have.

I will now speak to the biographical information of our nominee, Mr. McNulty. Again, I want to make it very clear I support this nomination and obviously congratulate him on confirmation, which I anticipate will happen with broad support in a few minutes.

Mr. McNulty received his BA from Yale University in 1976 and his JD from New York University School of Law in 1983. Upon graduation, Mr. McNulty served as a law clerk to Judge Frederick B. Lacey, U.S. district judge for the District of New Jersey. After his clerkship, Mr. McNulty began his legal career as a litigation associate at Paul, Weiss, Rifkind, Wharton & Garrison. From 1984 through 1987, he worked at the firm handling civil litigation and white-collar criminal defense in both State and Federal court.

From 1987 to 1998, he was a Federal prosecutor in the U.S. Attorney's Office for the District of New Jersey. From 1987 to 1991, he was a member of the Criminal Division, where he prosecuted a variety of firearms, narcotics, fraud and immigration offenses. In 1990, he was selected to head the Organized Crime and Drug Enforcement Task Force, which handled the largest cases in the Criminal Division, including RICO prosecutions. From 1991 to 1992, he prosecuted large white-collar fraud cases in the Frauds Division. In 1992, he was appointed deputy chief of the Criminal Division. In 1995, he was named chief of appeals. In that position, he briefed and argued criminal appeals to the U.S. Court of Appeals for the Third Circuit, supervised other attorneys in the division, served as ethics officer, and acted as general legal adviser to the office and U.S. Attorney.

In 1998, he joined Gibbons P.C., where he presently is a director and chairs the firm's appellate practice. He is also a member of the Business & Commercial Litigation department. His time there is equally divided between appeals and trial work. The majority of his clients are corporations. He handles litigation between commercial entities, typically including anti-trust, securities, patent, and contract disputes, while also encompassing constitutional and other claims.

The ABA Standing Committee on the Federal Judiciary unanimously rated Mr. McNulty as ''Well Qualified.''

I support the nomination and congratulate Mr. McNulty on his confirmation today.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is a privilege and an opportunity for me to affirm my support for the confirmation of Kevin McNulty to be a U.S. district judge for the District of New Jersey.

The parties who come before a district court deserve to know that they appear before only the most qualified and impartial judges. That is why the Constitution gives the Senate a solemn duty to provide the President with advice and consent on judicial nominations.

I take this duty very seriously. Today it is my pleasure to come to the floor to confirm my support for Mr. Kevin McNulty for a judgeship on the U.S. District Court for the District of New Jersey.

Kevin McNulty has had an exceptional career and has dedicated himself to the rule of law and public service. That is why I was so proud to have recommended him to President Obama.

I first learned about Mr. McNulty's sterling credentials in 2009, when one of New Jersey's most respected jurists, former chief judge of the U.S. Court of Appeals for the Third Circuit John Gibbons recommended him for a position on the district court bench.

In the years since, I have had the opportunity to meet Mr. McNulty multiple times and have gained a great appreciation for his outstanding reputation in the legal community in New Jersey.

Mr. McNulty leads the appellate practice group at an outstanding law firm based in Newark. The law firm is called the Gibbons law firm. He has argued criminal, commercial, intellectual property, and pharmaceutical matters, displaying his prowess as a litigator.

He is a respected leader with solid judgment. He worked as a prosecutor and was known for being hard working and fair. For more than a decade, he prosecuted criminal cases as an assistant U.S. attorney in New Jersey. He served as the deputy chief of the criminal division and earned a well-deserved promotion to chief of the appeals division. During his tenure with the U.S. Attorney's Office, he served with a number of U.S. attorneys, including a current Supreme Court Justice, Samuel Alito.

Mr. McNulty's academic credentials are as impressive as his professional record. After a successful undergraduate career at Yale University, he excelled at New York University's School of Law, where he was a member of the Law Review.

A few years ago, in 2008, the New Jersey Law Journal honored him as their Lawyer of the Year. I am confident, if confirmed, his work as a judge will earn him similar praise.

This fine nominee is, thank goodness, finally getting the vote he deserves. He is going to be great on the bench. He is eminently qualified and will make an exceptional judge.

In Newark, a Federal courthouse carries my name. When it was dedicated, I requested an inscription that I authored and believe in so deeply be placed on the wall. It reads: ''The true measure of a democracy is its dispensation of justice.'' I firmly believe that there is where we see the equalizer of citizenship in this country. As this quote demonstrates, our country's core is a belief in equal and just representation before the law. Our system thrives because of fair and evenhanded judges. They are the stewards of our democracy, and I know Mr. McNulty will approach this position with thoroughness and honor. So I look forward to hearing my colleagues vote to confirm Kevin McNulty to the U.S. District Court for the District of New Jersey, with the knowledge that we will be sending an outstanding judge to the Federal bench, as we so often have in this Chamber.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. MENENDEZ. Mr. President, I rise to speak today in support of Kevin McNulty, a distinguished New Jerseyan and an outstanding candidate for the District Court of New Jersey, and I certainly urge my colleagues to vote affirmatively on his confirmation in a few minutes.

A district judge must possess exemplary analytical skills, a strong work ethic, and an extraordinary knowledge of the law. I am proud to say Mr. McNulty has demonstrated these qualities on countless occasions.

He has been the chair of the appeals group in the prestigious law firm of Gibbons. At Gibbons, he has been directly involved in approximately 100 appeals related to a wide variety of legal issues, including pharmaceutical, intellectual property, commercial, and criminal matters.

He has tirelessly fought for his clients' interests. His hard work and dedication, as you heard Senator LAUTENBERG describe, earned him the New Jersey Law Journal's Lawyer of the Year Award for 2008.

Before his distinguished time at Gibbons, he served as the chief of the appeals division of the U.S. Attorney's Office, where he was also the lead attorney for the Organized Crime & Drug Enforcement Task Force, as well as the ethics officer and grand jury coordinator. While at the U.S. Attorney's Office, he was honored with the Federal Law Enforcement Officers Association Award.

He began his professional career as a law clerk for the Honorable Frederick Lacey, U.S. District Judge for the District of New Jersey.

He graduated cum laude and was third in his class at the New York University School of Law. His academic achievement also earned him membership in the New York University Law Review, where he served as articles editor, and membership in the honors society Order of the Coif.

While at New York University School of Law, he was awarded the American Judicial Society Prize, the Pomeroy Prize, and the Moot Court Advocacy Award. It shows the breadth and scope of his intellectual ability.

Outside of his professional career, he has demonstrated an admirable commitment to public service. He is a member of the board of trustees of the Urban League of Essex County. He is a former member of the Third Circuit Lawyers' Advisory Committee. He is coauthor of the Pennsylvania Bar Institute Guide to Third Circuit Practice. He has written and spoken on a whole host of legal topics. He is also an active member of the New Jersey, Federal, and American Bar Associations.

Throughout his career, Kevin McNulty has demonstrated a strong analytical ability, rapid research skills, and an outstanding work ethic, and I believe he is well equipped to serve with distinction as a district judge for the District of New Jersey.

In sum, the breadth and scope of Mr. McNulty's experience and qualifications make him exceptionally well qualified for the position of U.S. district judge.

Finally, I want to take the opportunity to say I am hopeful that our colleagues will agree to move forward on two other New Jersey nominations: Michael Shipp, who has been nominated

to the third district, and Patty Shwartz, who is nominated to the third circuit.

Michael Shipp is a highly respected magistrate judge in New Jersey who has an abiding commitment to the rule of law, a deep knowledge of both criminal and civil law, and a long commitment to public service. Patty Shwartz is also a well-respected magistrate judge who has handled over 4,000 civil and criminal cases. Both of these judges deserve immediate consideration. Their qualifications will make them an exceptional addition to the Federal bench in New Jersey, and certainly I offer my strong support to both of them as we move forward in this process.

I hope after tonight's vote—where we expect this extraordinary candidate to be confirmed—we will get the opportunity to do so also for Judge Shipp and Judge Shwartz.

With that, Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

LAW OF THE SEA TREATY

Mr. INHOFE. Mr. President, I rise for an announcement. At the conclusion of these votes, I will be making what I think is a fairly significant announcement in terms of 35 Members of this body who have stated they will oppose the Law of the Sea Treaty, which, of course, means it would not be able to be passed this session. So I will be doing that immediately following the votes that take place momentarily.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. ALEXANDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the nomination of Kevin McNulty, of New Jersey, to be U.S. District Judge for the District of New Jersey?

Mr. ALEXANDER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. SCHUMER (when his name was called). ''Present.''

Mr. DURBIN. I announce that the Senator from Montana (Mr. TESTER) is necessarily absent.

Mr. KYL. The following Senators are necessarily absent: the Senator from Nevada (Mr. HELLER), the Senator from Illinois (Mr. KIRK), the Senator from Alaska (Ms. MURKOWSKI), and the Senator from Mississippi (Mr. WICKER).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 3, as follows:

[Rollcall Vote No. 178 Ex.]

YEAS—91

Akaka	Feinstein	Merkley
Alexander	Franken	Mikulski
Ayotte	Gillibrand	Moran
Barrasso	Graham	Murray
Baucus	Grassley	Nelson (NE)
Begich	Hagan	Nelson (FL)
Bennet	Harkin	Portman
Bingaman	Hatch	Pryor
Blumenthal	Hoeven	Reed
Blunt	Hutchison	Reid
Boozman	Inhofe	Risch
Boxer	Inouye	Roberts
Brown (MA)	Isakson	Rockefeller
Brown (OH)	Johanns	Rubio
Burr	Johnson (SD)	Sanders
Cantwell	Johnson (WI)	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Stabenow
Coats	Landrieu	Thune
Coburn	Lautenberg	Toomey
Cochran	Leahy	Udall (CO)
Collins	Levin	Udall (NM)
Conrad	Lieberman	Vitter
Coons	Lugar	Warner
Corker	Manchin	Webb
Cornyn	McCain	Whitehouse
Crapo	McCaskill	Wyden
Durbin	McConnell	
Enzi	Menendez	

NAYS—3

DeMint	Lee	Paul

ANSWERED ''PRESENT''—1

Schumer

NOT VOTING—5

Heller	Murkowski	Wicker
Kirk	Tester	

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table.

The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will resume legislative session.

DISCLOSE ACT OF 2012—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, there will be 10 minutes of debate equally divided and controlled between the two leaders or their designees.

The Senator from Florida.

Mr. NELSON of Florida. Mr. President, we are going to divide this among five Senators so I will just take a few seconds to say corporations are having a field day because they can put all this money in to influence the political system while at the same time being anonymous. They do not have to disclose what every other donor has to disclose when they make a political contribution.

Are they interested in my State, in the quality of the representation of my State? I think they are interested in their own agenda and buying elections.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN of Ohio. Mr. President, it is not a shareholder democracy when a $10 million corporate buy effectively drowns out the $5 to $10 to $20 donation that represents real people with real concerns. The DISCLOSE Act would make CEOs do what political candidates do—what we all do—when we pay for political advertising: face the camera and tell the voters we sponsored a commercial. Whether we are Democrat or Republican, surely, we wouldn't want to see our political system, our democratic system, become the puppet of a few large corporations with whatever interest they have—oil or big insurance or drug companies or companies that outsource jobs as their specialty.

I yield the floor.

The PRESIDING OFFICER (Mrs. HAGAN). The Senator from New York.

Mr. SCHUMER. Madam President, the most astounding fact that has emerged since the Citizens United decision is that just 17 people have given over half the money to the Republican super PAC. There is very little disclosure, and there are huge amounts of money cascading in from a small few.

My colleagues, whether one is a Democrat or a Republican, we have to admit this is corrosive to our democracy. This gets further away from the idea that each of us has an equal say than anything that has been done in the last 100 years.

I hope my colleagues will join us in this modest measure, which doesn't even limit how much people can give but simply says they have to disclose; they have to tell they are giving. When ads are disclosed, they are less vicious and there is some semblance of truth that has to float around them.

I urge my colleagues, for the good of this country, the sake of our future, to support this modest, truly modest, piece of legislation.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. MERKLEY. Madam President, perhaps the most important three words in our constitution are ''We the people.'' But the whole notion of ''We the people'' is threatened by oceans of dark secret cash, oceans of cash used as a threat on the front end and as an election hammer on the back end. It is simply destructive to our democracy.

Tonight is the night for some profiles in courage to stand for the American system, for democracy, and for the people.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE. Madam President, in 1822, the Founding Father James Madison wrote:

> A popular government without popular information or the means of acquiring it is but a prologue to a farce or a tragedy or perhaps both. Knowledge will forever govern ignorance, and a people who mean to be their own governors must arm themselves with the power knowledge gives.

A vote for DISCLOSE is a vote to arm the people with the power that knowledge gives, to arm them with the popular information about elections—information necessary to prevent this